

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
NO: 4:08-CR-00035-BR

UNITED STATES OF AMERICA)
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THERESA MCNEAL LANCASTER,) ORDER
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Defendant)

This matter comes before the court on defendant's *pro se* "motion for appropriate release." Defendant requests that the court reduce her sentence or release her from imprisonment. (Mot. at 2.) The court may modify a term of imprisonment in limited circumstances. Under 18 U.S.C. § 3582(c)(1)(A)(i), the court may reduce the term of imprisonment, after considering the applicable factors in § 3553(a), if extraordinary and compelling reasons warrant a reduction and the reduction is consistent with the Sentencing Commission's policy statements. However, the court may exercise its authority under this section only upon motion of the Bureau of Prisons, not upon a defendant's motion. 18 U.S.C. § 3582(c)(1)(A)(i); Cooke v. United States, Civil No. 1:06-0946, Criminal No. 1:04-00013, 2009 WL 4123303, *2 (S.D. W. Va. Nov. 23, 2009). A defendant may seek to vacate, set aside or correct her sentence under 28 U.S.C. § 2255. However, the court does not consider the instant motion to be one under § 2255.

The motion is DENIED.

This 18 June 2010.



W. Earl Britt
Senior U.S. District Judge